I. **Cabinet (Parliamentary) government**: similar to (or just like) English parliamentary system, whereby a cabinet would serve as the executive, with cabinet members chosen by Congress (the legislative branch).

A. **Woodrow Wilson’s proposal** (requiring amendments to Constitution) from undergraduate thesis and doctoral thesis

1. The president would select members of the cabinet from Congress

2. If a majority of Congress voted against the cabinet’s policy program, then the cabinet would resign and be replaced by another group of legislators (Pious does not say that president would also have to resign).

B. **Wilson’s view as president and influence on presidency**

1. “[A] strong president facing off against an equally powerful Congress was a fixture of American politics, and cabinet government could not be instituted” (Pious, p.476).

2. President Taft, who preceded Wilson, recommended in a parting message to Congress that cabinet secretaries should also be members of Congress (which would require constitutional amendment). Newly-elected President Wilson ignored the recommendation.

3. Wilson did, however, make some changes from most previous presidents

   - addressed Congress in person
   - held press conferences
   - introduced his own comprehensive legislative program
   - reformed the budget process to increase presidential influence in budgeting

Note from Pious, p.476: Wilson illustrates how the presidency actually changes: by custom, precedent, and legislation passed by Congress

C. **Arguments in favor of cabinet government**
1. Conflicts between the president and Congress create a government that is inefficient and unaccountable (note: these same arguments are made by critics of divided government)

a. Efficiency: Unified government would ensure that Congress and the president would be working for the same legislative program and the president would be confident of having support for his/her actions from Congress.

b. Accountability: Unified government would help to alleviate problems of corruption (note: Wilson was reacting against corruption in Grant’s government and machine politics in his early writings) and voters would know who to blame or reward for policy failure or success.

2. Congressional debates would be well attended and reported by the media, forming the basis for educated national debates on the issues.

D. Arguments against cabinet government

1. Lack of checks and balances: no impeachment, little legislative oversight of executive administration, no judicial review of executive action

When a scandal occurs, it may either be swept under the rug or paralyze the entire government until a new election is held or the governing party replaces the prime minister or president (though I think the paralysis argument could be made based on what happened with Clinton impeachment).

2. Fluctuations in the direction of public policy may be greater in a cabinet system when the public shifts its support from one party to another at the time of elections: in U.S., shifts between liberal and conservative policy programs

3. In multi-party systems, cabinet government typically means coalition government, whereby the benefits of efficiency and accountability are lost.

4. No evidence that corruption is greater under U.S. presidential system compared to parliamentary systems such as Britain, Italy, and Japan.

5. No evidence that policy decisions are better under parliamentary systems.
Note from Pious, p.478: the movement is in the direction of parliamentary systems changing to incorporate at least limited separation of powers and checks and balances.

II. Semipresidential government: attempt to combine best attributes of presidential and parliamentary systems

A. Executive cabinet secretaries would also serve in the legislature or be allowed to appear on the floor of Congress and lead policy debates or answer questions from legislators.

B. A cabinet would have to resign and be replaced if it lost a formal vote of confidence, failed to get its policy program passed, or lost majority party status in elections.

C. President would retain powers granted by Constitution and laws and would remain as commander-in-chief and have the greatest influence in foreign affairs.

D. Semipresidential systems exist in France, former French colonies in Africa, Eastern Europe and former states of the Soviet Union.

E. Neither the president nor members of Congress are likely to favor this idea, as it would reduce the power of each and increase the power of cabinet secretaries.

III. “No-confidence” vote

A. Proposed as a way to get rid of the president without waiting for impeachment or resignation

B. Following Watergate, Representative Henry Reuss proposed a constitutional amendment requiring 3/5 majorities in both House and Senate to call for presidential and congressional elections within 3 months. The incumbent president would be able to run as a candidate in the new elections.

C. Considered (on the basis of majority vote by state governors or Congress) but rejected at constitutional convention in order to maintain presidential independence
from Congress

D. Pious dislikes the “no-confidence” vote idea by itself (okay if move to parliamentary system overall), because he sees the “no-confidence” vote as likely to lead to partisan attempts to remove the president on the part of Congress, which he thinks the public would not support and would reduce the legitimacy of Congress (not unlike what some might say has happened with the Clinton impeachment).

IV. Party government: both Congress and the executive are controlled by the same party

A. Responsible party government

1. The parties put a platform based on political principle before the voters and carries out that platform if elected as the majority party.

2. Voters choose policy alternatives as well as candidates for office.

3. Most likely to occur in a parliamentary system with 2 competing parties, either of which is capable of forming a majority.

B. Preventing divided government short of changing to a parliamentary system

1. Attempt to augment presidential coattails by changing the Constitution so that members of Congress serve 4 years, senators 8 years, and have presidential, Senate, and House elections at the same time.

   a. When a president is elected, this is a sign of support that may carry over to other candidates from his/her party and make it more likely that the president’s party will also control the House and Senate.

   b. If there were no midterm elections, the president would not have suffer midterm losses of his/her party members in Congress, which tend to weaken the president during the last two years of a term.
2. Hold presidential elections a month or so before congressional elections.
   
a. This would give the president time to make the case for supporting his/her party members in congressional elections.

b. The vote for the president presumably indicates greater support for the policies of the president than his/her opponent, and the president could argue that voters should support members of his party to make it more likely that these policies will be enacted.

3. Artificially create presidential coattails by automatically giving the president’s party a majority in Congress.
   
a. With party slate voting, voters would have a single ballot for which to cast their vote for the president, Senate, and House. At least in the first two years of a president’s term in office, this would guarantee a party majority.

b. With an optional party ballot, voters would still have the choice of splitting their ticket, but perhaps they would be less likely to do so.

c. With a constitutional amendment that gave the president’s party a bonus of additional House and Senate seats, a quasi-parliamentary system could be instituted. Although dependent upon the outcome of the vote in the House and Senate and the number of bonus seats, the president would be more likely to gain a party majority with such a system.

V. Collaborative government: executive and legislative branches working more closely together

A. National Security Charter

1. Would involve a fundamental reform of the national security powers of the executive

2. Would take the form of “a framework law that embodied the National Security Act of 1947, the War Powers Resolution of 1973, the National Emergencies International Emergency Economic Powers Act of 1980, and similar measures,
such as those regulating arms sales and technology transfers” (Pious, p.489)

3. Would eliminate loopholes that give the president incentive to not consult with Congress when making important decisions involving national security

4. Would require that proposed national security activity be reviewed by either lawyers for the National Security Council or the Department of Justice Office of Legal Counsel to make sure that proposed actions are legal and constitutional.

B. Presidential view of collaborative government

1. Similar to view of War Powers Resolution, presidents are wary of framework laws, especially of they believe that they regulate in areas of what presidents see as their constitutional prerogative

2. In cases involving presidential war powers, budget mechanisms (e.g. deferral or rescission of funds), “report and wait” and legislative vetoes, or oversight in foreign covert intelligence, presidents may refuse to comply or exploit loopholes.

3. “Without presidential cooperation, there can be no ‘collaborative’ government” (Pious, p.490).

C. Congress and Collaborative Government

1. Supporters of collaborative government see Congress as neither institutionally or intellectually capable of collaborative government without significant reforms.

   e.g. give congressional committees the same jurisdiction that correspond with problems the Administration is dealing with

   create a “core consultative group” of committee leaders to meet with the president, be briefed on national security concerns and given sensitive intelligence information so than an informed judgment could be expressed to the president

2. Supporters are also skeptical about congressional willingness to reorganize and take political responsibility for collaborative government.
Members of Congress like the fragmentation of many committees, as they gain power and status based on committee membership and leadership.

Different constituency: MCs focus more on specific constituents interests, and their schedule is crowded already and many like to get back home for long weekends.

In the area of national security, Congress already tends to ignore presidential violations of existing laws that require collaboration, preferring instead to operate on the basis of “after-the-fact” oversight and avoid responsibility and have some distance from potential problems – prominent e.g.: the Iran-Contra investigation

D. The Role of the Judiciary

1. Reformers who want greater limits (accountability and legitimacy) on presidential power propose a stronger role for the judiciary in the system of checks and balances.

2. Reformers support having Congress pass laws that make it easier for legislators or lawyers for advocacy groups interested in public policy to obtain standing to sue the president or other executive officials.

3. Reformers suggest a congressional statute that would limit the immunity a president can claim, “stating specific exceptions to the general rules that protect a president from suit or damages if he takes action within the scope of his official duties” (Pious, p.491)

4. Reformers propose that Congress pass a resolution that presidential violations of laws requiring collaboration (e.g. the War Powers Act) should not be dismissed by the judiciary as “political questions.”

5. Reformers favor passing laws that would allow the courts to issue injunctions against national security officials that might prevent the implementation of national security decisions.
VI. Constitutional reforms or institutional adaptation?

A. Existing constitutional amendments concerning the presidency have focused not on issues of presidential power but rather on the electoral process, presidential succession, and limiting the president to two terms in office (which I actually see as an issue presidential power).

B. Pious’ view: The presidency is not reformed by constitutional amendments, but is transformed and reinvented by institutionalized practices.